

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--|---|--------------------------|
| PROTECT OUR PARKS, INC., <i>et al.</i> |) | |
| |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 21 CV 2006 |
| |) | |
| PETE BUTTIGIEG, |) | Judge John Robert Blakey |
| SECRETARY OF THE U.S. |) | |
| DEPARTMENT OF TRANSPORTATION, |) | |
| <i>et al.</i> |) | |
| |) | |
| Defendants. |) | |

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs, through their undersigned counsel and pursuant to Fed. R. Civ. P. 65, submit the following Motion for Preliminary Injunction, and in support of their motion state as follows:

1. Plaintiffs in this matter have filed their complaint against the Defendants largely emanating from various federal reviews which approved the placement of the Obama Presidential Center in Jackson Park.

2. With various federal reviews completed, the City of Chicago, Chicago Park District and the Barack Obama Foundation have announced that “groundbreaking” on the Obama Presidential Center will begin this fall. In discussion with counsel for the Defendants regarding these issues, counsel for Plaintiffs was informed that “groundbreaking” may occur as early as mid-August 2021 at least with certain aspects of the project that will impact environmental, historical, and related resources.

3. Specifically, the City has indicated that it may start roadwork on Hayes Drive, one of the original roadways in Jackson Park. While the contract for that work has not been issued

yet, the City indicated that such items may be in place by mid-August. Further, that road work may also involve incursions into parkland on the eastern and western edges of Jackson Park, and those incursions will involve the removal of trees on both sides, impacting both environmental and historical resources.

4. Separately, the Obama Foundation has indicated that in regards to the “groundbreaking” it intends to initiate, that will involve construction related excavation and site-clearing on the 19.2 acres of land that are proposed to be used for its campus. That will involve tearing up the land and removal of the famed Women’s Garden, as well as the loss of hundreds of trees (tree removal is to occur after September 1, 2021).

5. Because these groundbreaking activities will cause permanent and irreparable harm to the Plaintiffs, Plaintiffs seek by way of this motion a preliminary injunction which would enjoin the Defendants from the actions associated with proposed “groundbreaking” that would alter the environmental, architectural and historic elements of Jackson Park until the matters set forth in Plaintiffs’ complaint are heard on the merits.

6. As set forth in the accompanying brief in support¹ and supporting materials, Plaintiffs meet the requirements for a preliminary injunction, which include a showing of: (i) a likelihood of success on the merits; (ii) a likelihood of irreparable harm in the absence of injunctive relief; (iii) that the balance of equities weighs in favor of an injunction; and (iv) that the public interest favors injunctive relief. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

7. For the reasons set forth in the brief in support of their Motion for preliminary injunction, Plaintiffs respectfully request that their Motion for Preliminary Injunction be granted,

¹ Plaintiffs have sought leave to file a brief in excess of fifteen pages as part of a motion filed by the parties regarding various scheduling issues (Docket No. 22), and as such will file the brief in support subject to the Court’s ruling on that motion.

and that this Court enjoin the Defendants from taking steps to alter the architectural, historic, and environmental elements of Jackson Park, including but not limited to excavations for the construction of the OPC campus, any roadwork on Hayes, Cornell and Marquette or any of the historic roadways that comprise Jackson Park that would permanently alter those roads, any changes or alterations to the Midway Plaisance, efforts to remove and relocate the Women's Garden, any destruction of trees or alterations that would impact the lagoons, or any other activity that would permanently alter any environmental or historic resources in Jackson Park while the case is pending and the matters in the complaint are addressed on the merits.

Dated: June 15, 2021

Respectfully submitted,

By: /s/ Michael Rachlis

Michael Rachlis
RACHLIS DUFF & PEEL, LLC
542 South Dearborn, Suite 900
Chicago, IL 60605
(312) 733-3950
mrachlis@rdaplawn.net

Richard A. Epstein
16 Thomas Place
Norwalk CT 06853
raepstein43@gmail.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Michael Rachlis, an attorney, hereby certify that on this 15th day of June, 2021, I caused a copy of the **Plaintiffs' Motion for Preliminary Injunction** to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois using the CM/ECF system, which will send notification of such filing to all parties that have appeared in this action.

/s/ Michael Rachlis